



**Entergy
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U. S. Nuclear Regulatory Commission
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SUBJECT: Arkansas Nuclear One - Units 1 and 2
Docket Nos. 50-313 and 50-368
License Nos. DPR-51 and NPF-6
Response to Inspection Report
50-313/93-12; 50-368/93-12

Gentlemen:

Pursuant to the provisions of 10CFR2.201, attached is the response to the violation identified during the inspection of activities associated with the failure to submit a fitness-for-duty report within the required time frame. Several discussions concerning this issue were held with the Nuclear Regulatory Commission, Region IV personnel.

Should you have questions or comments, please call me at 501-964-8601.

Very truly yours,

James J. Visicaro
Director, Licensing

JJF/RMC/mmg
attachment

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NOTICE OF VIOLATION

During an NRC inspection conducted on February 15-19, 1993, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10CFR Part 2, Appendix C, the violation is listed below:

Failure to Report a Positive Test

10CFR26.73(a)(2)(ii) requires that licensees inform the Commission of significant fitness-for-duty events including any act by supervisory personnel resulting in confirmed positive tests of such person. 10CFR26.73(b) requires that notification of such an event be made to the Commission within 24 hours.

Contrary to the above, the inspector determined that the licensee was notified of a positive drug test involving a contract supervisor on December 7, 1992, but did not notify NRC until December 31, 1992.

This is a Severity Level IV violation (Supplement III).

Response to violation 313/9312-01; 368/9312-01

(1) Reason for the violation:

Entergy Operations Management Directive, C5.801, "Fitness For Duty," defines a supervisor, for fitness-for-duty purposes, as a member of management permanently assigned to a position that may or may not hold the title of supervisor, yet coordinates and directs the work of others; makes recommendations concerning promotions, transfers, etc.; makes employee performance appraisals; and make recommendations as to the distribution of merit increases. A supervisor will have been given the responsibility for recording, tracking, and trending employee behavior and/or work habits (i.e., discipline, performance, absences, etc.), which could indicate changes in behavior that may require remedial action.

On December 7, 1992, through urine testing at ANO and a NIDA certified lab, a confirmed positive drug test for marijuana on a contract general foreman was identified. After validation of the confirmed positive drug test, the contract general foreman was denied access to ANO. Based on interviews with the contract general foreman and his immediate supervisor we concluded that the contract general foreman did not fulfill the normal role of a supervisor in accordance with our procedural guidance.

The contractor general foreman coordinated work for the craftsmen in his discipline, but responsibility for the work was retained by his immediate supervisor. Additionally, when temporarily assuming the duties of his immediate supervisor, he was not allowed to make decisions without first contacting his home office. It was also concluded that the contract general foreman did not have the primary responsibility for employee behavioral observation; that responsibility rested with his immediate supervisor even though he acted for his supervisor in his absence. Therefore, he did not meet our formal definition of a supervisor and a notification per 10CFR26.73(a)(2)(ii) was not pursued.

On December 29, 1993, it was confirmed, by receipt of lab analysis, that while on-site, the contract general foreman had ingested the marijuana by unknowingly eating a cup cake contaminated with marijuana. This incident was reported to the NRC per the criteria of 10CFR26.73(a)(1), "Sale, Use or Possession of Illegal Drugs Within the Protected Area".

A subsequent review of the facts on December 30, 1992, concluded that the contract general foreman had been provided with Supervisor Fitness-For-Duty training, which indicated he could have been placed in an employee behavioral observation role. The Nuclear Regulatory Commission (NRC) was subsequently notified per 10CFR26.73(a)(2)(ii), "Supervisory Personnel Confirmed Positive."

The reason ANO failed to report, in a timely manner, to the NRC that a "supervisor" had a confirmed positive drug test, was inadequate criteria defining supervisory responsibilities for fitness-for-duty reporting. This resulted in an inadequate analysis of the supervisory responsibilities of the contract general foreman.

(2) Corrective steps taken and results achieved:

On December 31, 1992, the results of the contract general foreman's confirmed positive was reported to the NRC per the requirements of 10CFR26.73(a)(2)(ii).

A review of ANO commitments and industry guidance was performed to better determine the definition of a "supervisor." The ANO Quality Assurance Manual commits ANO to ANSI N18.1-1971, "Selection and Training of Nuclear Power Plant Personnel" which defines a supervisor as a person who principally is responsible for directing the actions of operators, technicians, or repairman. Those positions are usually designated as intermediate and first line supervisors are included in this category.

NRC guidance for determining supervisory personnel is found in NUREG-1385, "Fitness-For-Duty in the Nuclear Power Industry, Responses to Implementation Questions", states that each licensee will make this determination for its own plant. The determination should be based upon such factors as who is responsible for the behavioral observation of the person, who is in charge of the work, and who is responsible for evaluating the performance of the work.

Based on ANO's commitments, industry NRC guidance and the Entergy Operations definition of a supervisor as described in paragraph (1) above, an enhanced sensitivity for the requirements of fitness-for-duty reporting has been achieved. Reporting guidance of supervisory confirmed positive drug tests are further enhanced based on this criteria.

(3) Corrective steps taken to prevent recurrence:

On February 11, 1993, Procedure 1023.035, "Fitness-For-Duty Processing of Presumptive and Confirmed Positive Specimens" was revised to include a "Confirmed Positive Test - Administrative Process Checklist." This checklist is designed to process an individual with a confirmed positive drug test and includes enhanced criteria for determining the reporting of supervisory drug use.

The criteria for determining if the confirmed positive individual is a supervisor includes verification of the individuals job responsibilities, or role in the organization i.e., coordinating and directing the work of others and attendance at Supervisor Fitness-For-Duty training. If it is determined that the confirmed positive individual coordinates and directs the work of others, a supervisory drug use report per 10CFR26.73(a)(2)(ii) will be initiated. Further, as a conservative measure, a "supervisory drug use" report will be made if the confirmed positive individual has attended Supervisor Fitness-For-Duty training and his supervisory role, as defined, is questionable. This is regardless of title or perceived role in the organization. If further investigation concludes that the confirmed positive individual was clearly not a supervisor, the report will be retracted.

(4) Date when full compliance will be achieved:

Full compliance was achieved on December 31, 1992, when the contract general foreman's confirmed positive test result was reported per the requirements of 10CFR26.73(a)(2)(ii), "Supervisory Personnel Confirmed Positive."